

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES H. SMITH, #121310

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:11-cv-147-LG-RHW

JOE GARCIA, et al.

DEFENDANTS

ORDER

Plaintiff filed this *pro se* Complaint pursuant to 42 U.S.C. § 1983. The named Defendants are Joe Garcia, Van Giadrosich, the Pearl River County Sheriff's Office and David Allison. The Court notes that the Pearl River County Sheriff's Office is not a separate legal entity that may be named as a party in a § 1983 lawsuit. However, a county may be held liable in a § 1983 suit, in limited circumstances. Since the Plaintiff is proceeding *pro se*, he will be provided an opportunity to amend his Complaint to clarify if he is naming Pearl River County as a Defendant. Accordingly, it is hereby,

ORDERED:

1. That on or before May 23, 2011, Plaintiff shall file a written response to:
 - (a) specifically state if the Plaintiff is naming Pearl River County as a Defendant, if so, specifically state how Pearl River County violated his constitutional rights; and
 - (b) specifically state how Defendant Allison violated his constitutional rights.

2. That failure to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Plaintiff and may result in this cause being dismissed without further notice to the Plaintiff.

3. That the Clerk of Court is directed to mail a copy of this order to the Plaintiff at his last known address.

THIS the 2nd day of May, 2011.

s/Robert H. Walker

UNITED STATES MAGISTRATE JUDGE